



DATE
#16

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) CIS99-1717
First named inventor: John G. Waclawsky		
Application No.: 09/405,777	Art Unit: 2662	
Filed: September 27, 1999	Examiner: Odland, David E.	
Title: METHODS AND APPARATUS FOR CONTROLLING A DATA STREAM USING A HOST AGENT ACTING ON BEHALF OF A HOST COMPUTER		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916		
<div style="text-align: right;">RECEIVED NOV 26 2004 OFFICE OF PETITIONS</div>		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
<ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and(4) Statement that the entire delay was unintentional.		
1. Petition fee		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee <u>\$1,370.00</u> (37 CFR 1.17(m))		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):		
<input type="checkbox"/> has been filed previously on _____.		
<input type="checkbox"/> is enclosed herewith.		
B. The issue fee of \$ <u>1360.00</u>		
<input checked="" type="checkbox"/> has been paid previously on <u>September 7, 2004</u> .		
<input type="checkbox"/> is enclosed herewith.		

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

3. Terminal disclaimer with disclaimer fee

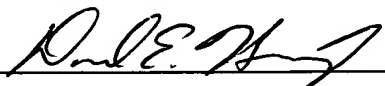
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

November 19, 2004

Date



Signature

Telephone
Number: (508) 366-9600

David E. Huang, Esq.

Typed or printed name

Westborough Office Park, 1700 West Park Drive

Address

Westborough, MA 01581

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

November 19, 2004

Date



Signature

Mary A. Maietta

Typed or printed name of person signing certificate



ATTORNEY DOCKET NO.: CIS99-1717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John G. Waclawsky and Hamesh Chawla
Serial No.: 09/405,777
For: METHODS AND APPARATUS FOR CONTROLLING A DATA STREAM
USING A HOST AGENT ACTING ON BEHALF OF A HOST COMPUTER
Filing Date: September 27, 1999
Examiner: Odland, David E.
Art Unit: 2662
Conf. No. 9859

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OFFICE OF PETITIONS

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: **MAIL STOP PETITION**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: November 19, 2004

By: Mary A. Maietta

(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: Mary A. Maietta

MAIL STOP PETITION

Commissioner for Patents
PO Box 1450, Alexandria
Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- 2 -

- [x] Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- [x] A copy Notice of Abandonment Under 37 CFR 1.53 (f) or (g), Total Pages: 1;
- [x] Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), including Statement Accompanying Petition for Revival of an Application for Patent Abandoned Unintentionally, Total Pages: 2;
- [x] Replacement Drawings: [x] Formal, [] Informal (Figs. 1, 2, 3, 4, 5, 6, 7), Total Sheets: 7;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- [x] Authorization to charge Deposit Account No. 50-0901;
- [x] Check in the amount of \$1,370.00.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



David E. Huang, Esq.
Attorney for Applicant
USPTO Registration No.: 39,229
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Attorney Docket No.: CIS99-1717

Dated: November 19, 2004



APPLICATION NUMBER 09/405 777	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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COPY

EXAMINER

ART UNIT

PAPER NUMBER

NOTICE OF ABANDONMENT

DATE MAILED:

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OFFICE OF PETITIONS

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.

☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.

☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.

- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

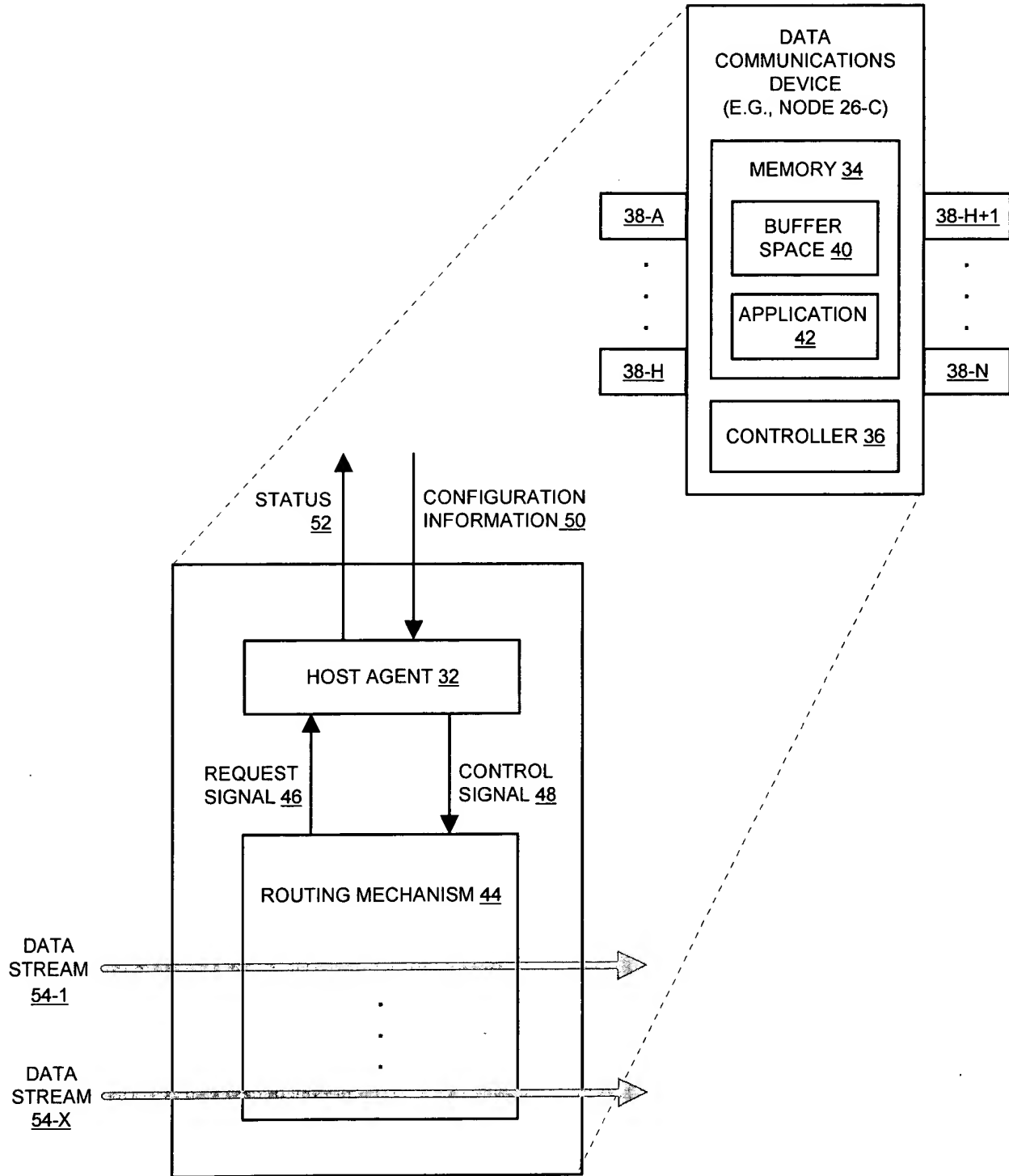


FIG. 2



REPLACEMENT SHEET

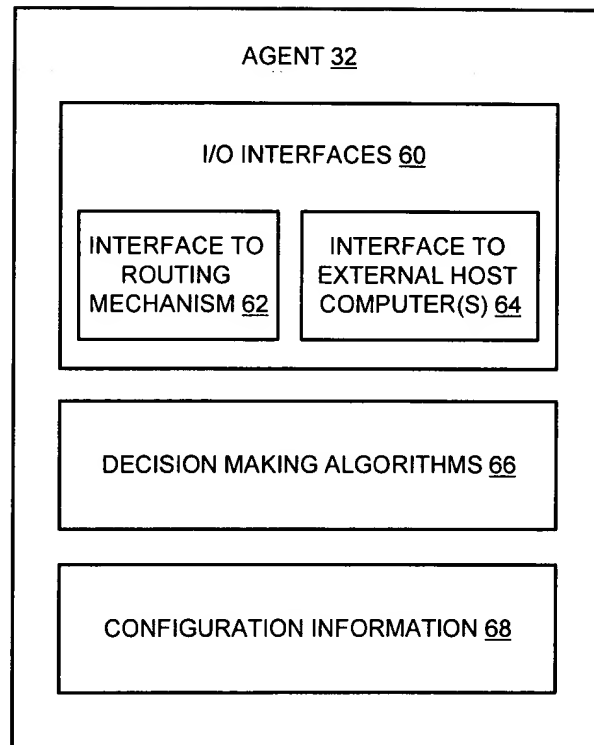
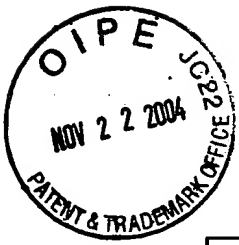


FIG. 3



REPLACEMENT SHEET

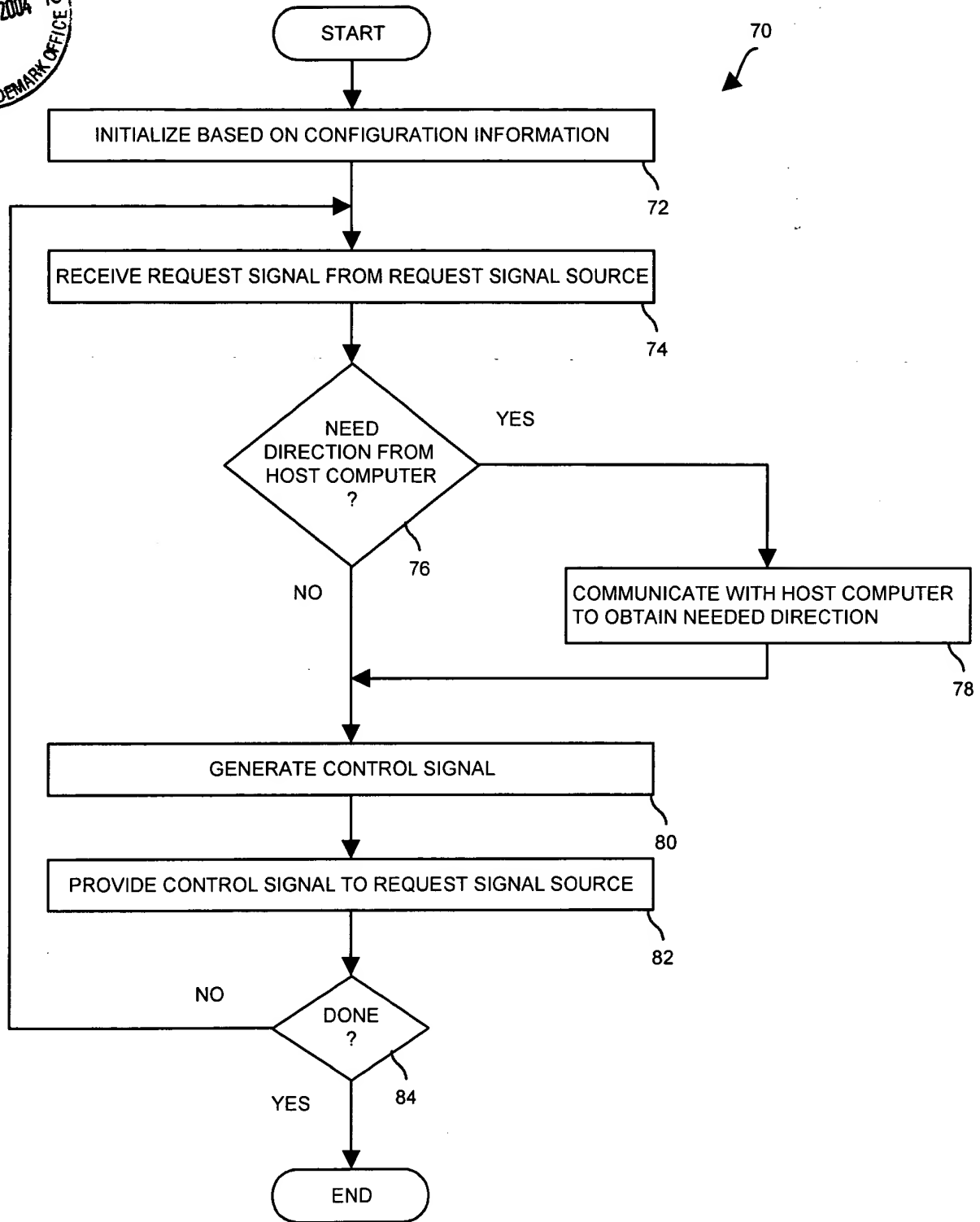


FIG. 4



**ARRANGEMENT IN WHICH AGENT
ACTS ON BEHALF OF SENDING HOST**

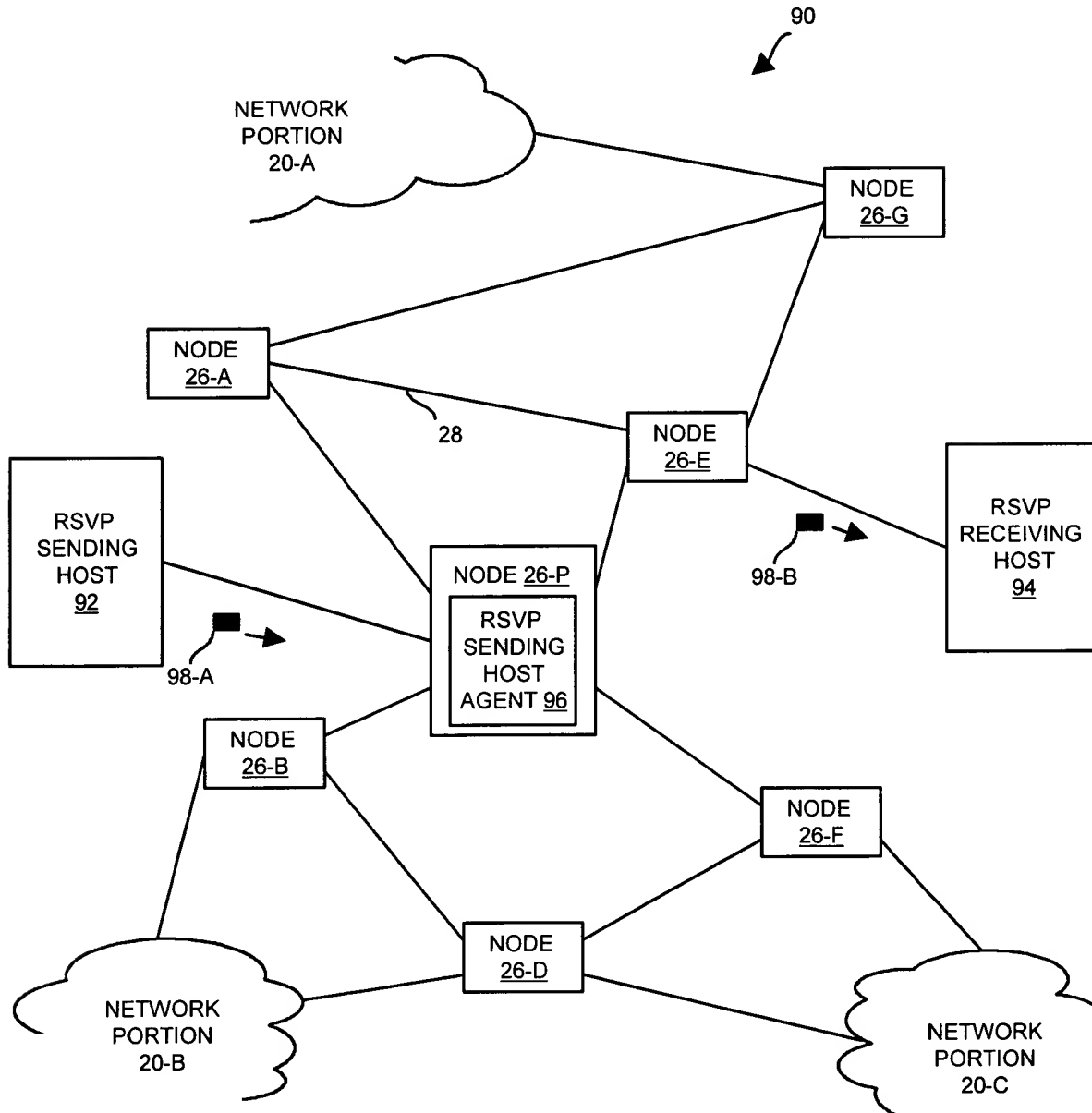


FIG. 5

ARRANGEMENT IN WHICH AGENT
ACTS ON BEHALF OF RECEIVING HOST

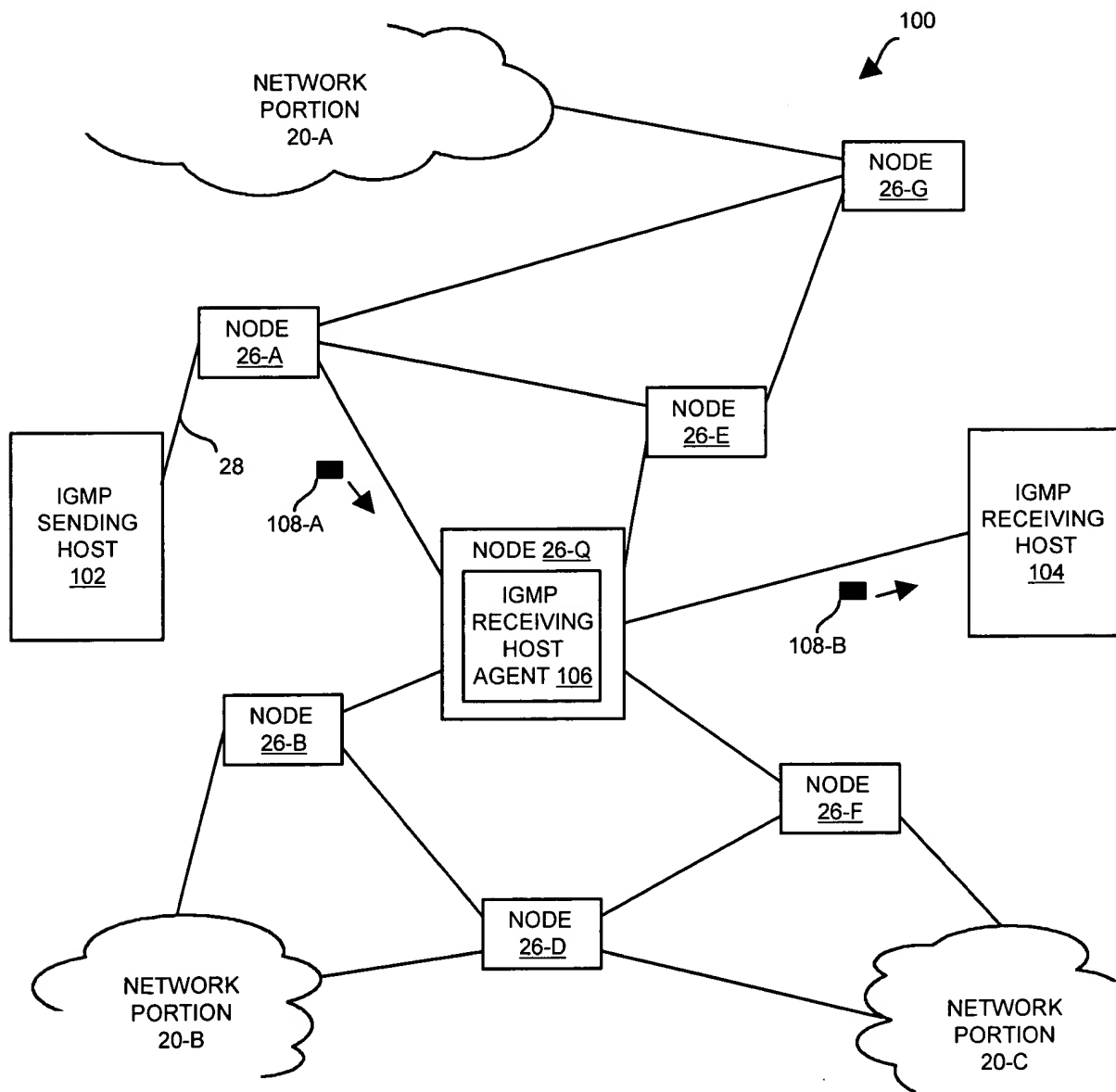


FIG. 6



**ARRANGEMENT IN WHICH AGENT
RESIDES IN A NODE THAT IS DIFFERENT THAN
THE REQUEST SIGNAL SOURCE**

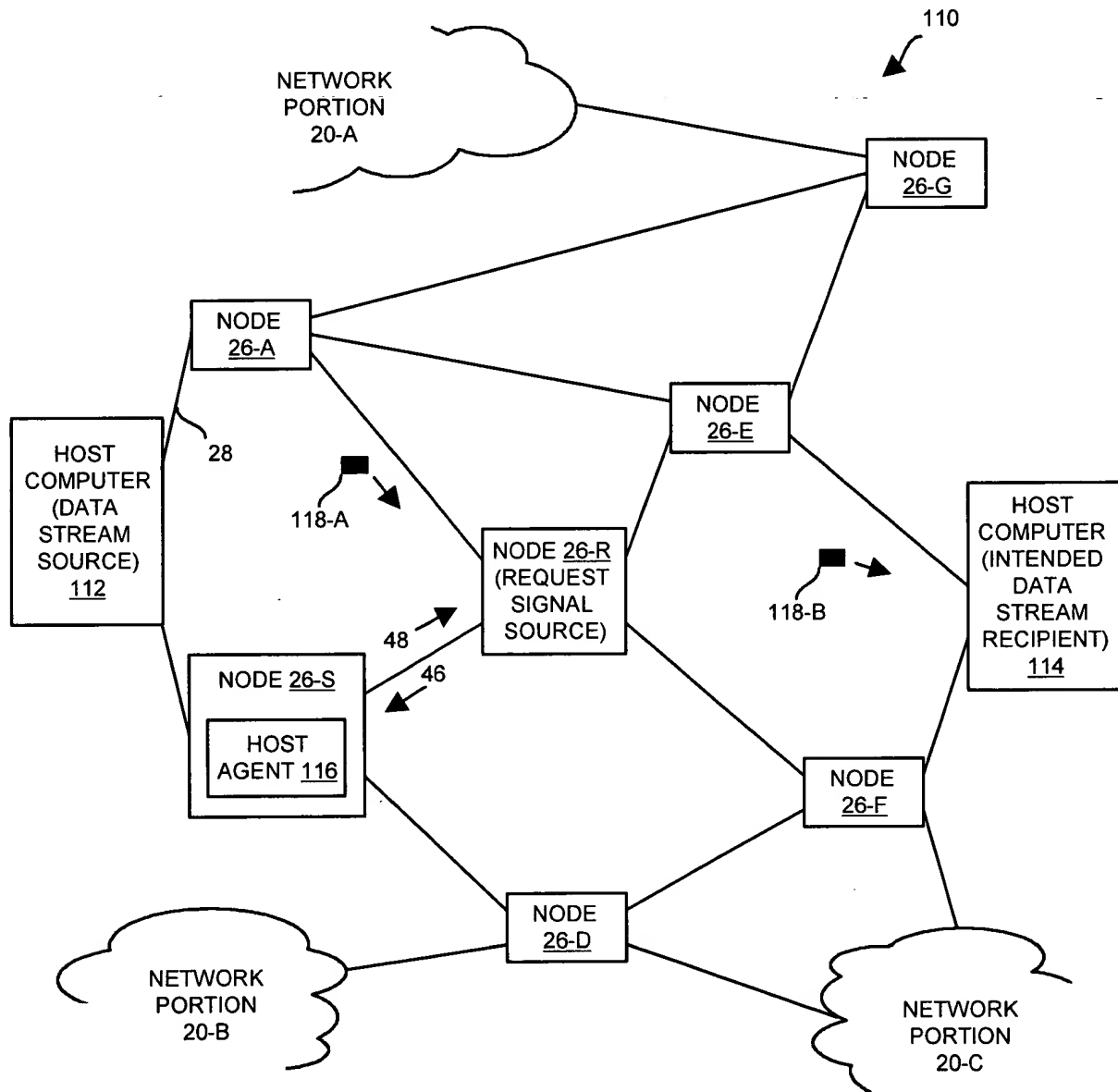


FIG. 7

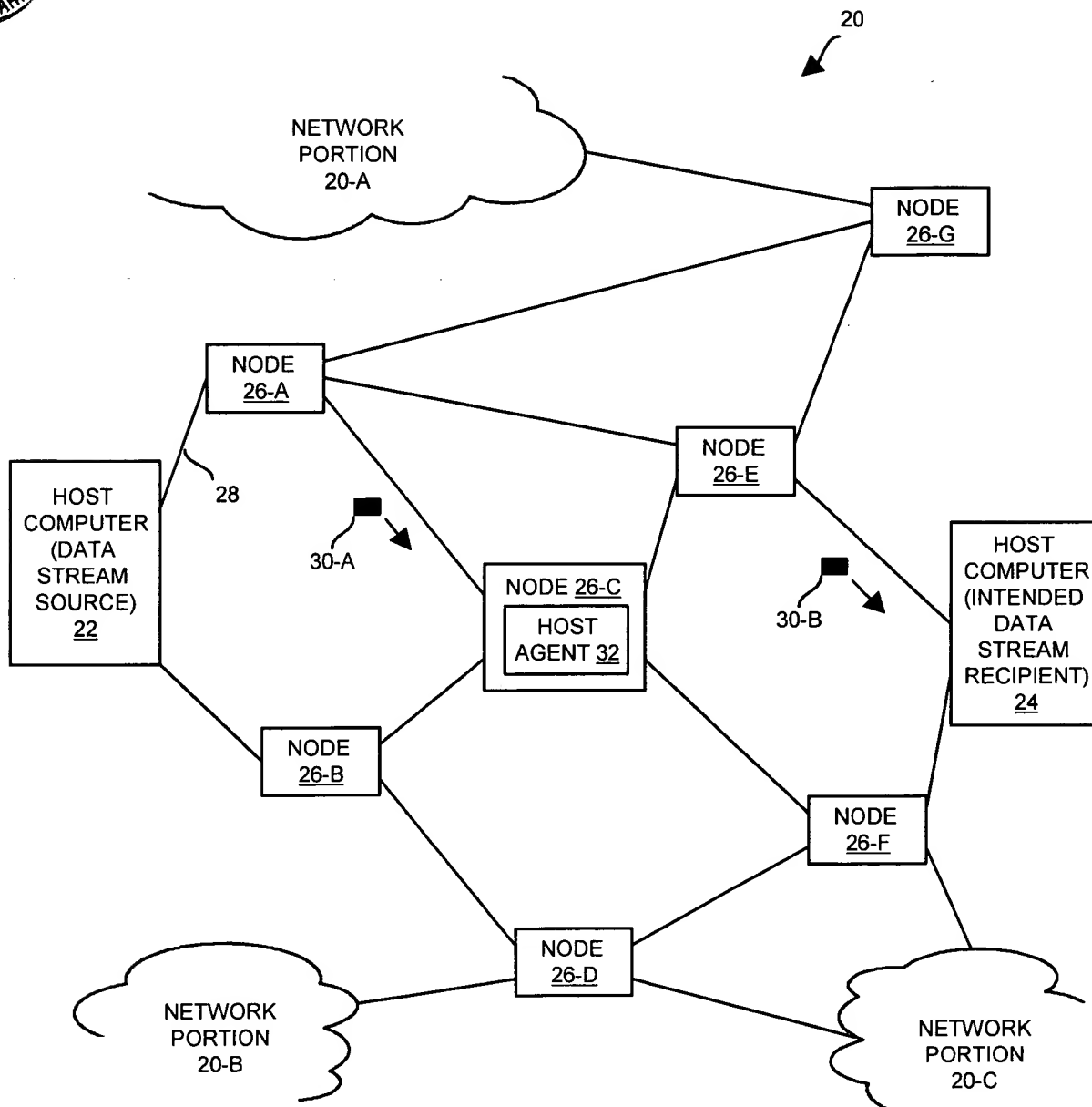


FIG. 1